

## EXHIBIT E

**From:** Joyce, Kimberly (Law) <kjoyce@law.nyc.gov>  
**Sent:** Friday, March 28, 2014 6:43 PM  
**To:** Friedberg, Anna  
**Cc:** Larkin, Arthur (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Metallo-Barragan, Sandra (LAW); Nguyen, Diep (Law); Busalacchi, Stephanie; Cobb, Emily A.  
**Subject:** Nunez E-Discovery Update

Hi Anna,

Please find below a summary of the information you requested be provided to you by today.

- **Next Production:** We are aiming to get you a production at the end of next week, barring any unforeseen circumstances. We anticipate producing approximately 3,400 documents.
- **Current average rate of review:** As we have indicated previously, it is too soon to provide a reliable rate of review. However, since your side insists on being provided a rate of review at this stage, I can state that an average weekly rate of 1st level review across the reviewers over the past 2 weeks is 8000 per week. Again, this figure is for all reviewers doing 1st level review. As we are still in the beginning stages with the large group, and there is an obvious learning curve, we are still assessing who would be appropriate 2nd level reviewers. Once that determination is made the number of 1st level reviewers will decrease, as some will be made 2nd level reviewers - so the 8000 figure will likely decrease at that point.
- **Venters emails left to be produced:** 250 emails which are being 2nd level reviewed and will then be ready for production.
- **Masters emails left to be reviewed:** \*Do you mean Amanda Masters emails left to be reviewed of emails from our agreed upon custodians? i.e., like Homer Venters where we did not collect his email but isolated emails from/to Homer Venters that were already in our custodian email pool? If that is the case then there are 13 emails left to be reviewed. However, this leads to an overall issue with the BOC collection re: Masters, Potler, Wolfe, and Martinez. (see next point)
- **BOC emails:** The BOC collection was separate from our discussions regarding DOC custodians/search terms which began in late June of last year. I was not involved in negotiating the scope/terms of the BOC collection. To my knowledge my office did a targeted collection based on the below criteria provided by plaintiffs, but it was agreed that the collection was limited to 2010-2013:
  - (A) Masters & Martinez, 12/1/07-7/17/13, To/From Flo Finkle;
  - (B) Potler, Wolfe, Masters, 12/1/07 - 7/17/13, To/From: cityhall.nyc.gov; usdoj.gov; bronxda.nyc.gov; queensda.org; brooklynda.org; rcda.nyc.gov; manhattanda.org; counsel.nyc.gov; health.nyc.gov; doi.nyc.gov; and keywords OPC or Office of Policy and Compliance;
  - Based on the initial targeted collections the number of emails originally collected/left to be reviewed are as follows: Masters (3,678/378); Martinez (73/3); Wolfe (2,391/501); Potler (8,273/1,787);
- However, last week we re-collected emails from the 4 BOC custodians, from 2010-7/17/13, using the terms Use of Force and Use w/in 5 of Force - we cannot use the same search terms we agreed to for the DOC collection, given that BOC is not a paramilitary organization and likely does not use the same terminology as DOC. If my office was to review the newly collected emails the figures would be as follows: Masters (2,887); Wolfe (2,673); Martinez (1,259); Potler (5,678). Keep in mind these are not de-duplicated numbers from what we already have collected in Clearwell from the DOC custodians. Let us know how you'd like us to proceed with the review of the BOC custodians.

Thank you.

-Kim

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